

**SUBSTITUTE AMENDMENT**  
**OFFERED BY MR. BUYER OF INDIANA AND MR.**  
**TOWNS OF NEW YORK**  
**FOR THE AMENDMENT OFFERED BY MR. CANNON**  
**TO H.R. 1542, AS AMENDED**

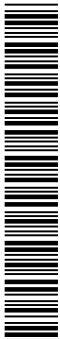
Page 6, beginning on line 9, strike “, or to regulate any network element to the extent it is used in the provision of any such service”.

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

1       “(j) GUARANTEED ACCESS TO CONSUMERS FOR  
2 CLECs.—

3               “(1) ACCESS RULES.—

4               “(A) PRESERVATION OF RULES GUARAN-  
5 TEEING CLEC ACCESS TO INCUMBENT CARRIER  
6 FACILITIES.—Except as provided in subpara-  
7 graph (E), the Commission is not required to  
8 repeal or modify the regulations in effect on  
9 May 24, 2001, that enable a requesting carrier  
10 to use the facilities of an incumbent local ex-  
11 change carrier to provide high speed data serv-  
12 ices.



1                   “(B) TRANSPORT SERVICES AVAILABLE TO  
2                   CLECS.—

3                   “(i) OFFERING REQUIRED.—If an in-  
4                   cumbent local exchange carrier provides  
5                   high-speed data services over a fiber local  
6                   loop or fiber feeder subloop, that carrier  
7                   shall offer, over such loop or subloop for  
8                   delivery at the incumbent local exchange  
9                   carrier’s serving central office, a high  
10                  speed data service that is provided by such  
11                  carrier utilizing an industry-standard pro-  
12                  tocol.

13                  “(ii) TRANSMISSION OPTIONS.—Such  
14                  service shall enable a requesting carrier to  
15                  transmit information over an incumbent  
16                  local exchange carrier’s facilities between  
17                  that incumbent local exchange carrier’s  
18                  serving central office and (I) a customer’s  
19                  premises served by that serving central of-  
20                  fice; (II) a remote terminal supplied by the  
21                  requesting carrier; or (III) a high fre-  
22                  quency portion of the copper subloop ob-  
23                  tained by such requesting carrier pursuant  
24                  to the provisions of subsection (c)(3).



1 “(iii) RATES, TERMS, AND CONDI-  
2 TIONS.—Such high speed data service shall  
3 be offered on rates, terms, and conditions  
4 that are just and reasonable in accordance  
5 with section 201(b). For such purposes,  
6 such high speed data service shall be  
7 deemed a nondominant service.

8 “(iv) SERVING CENTRAL OFFICE DEF-  
9 INITION.—For the purpose of this sub-  
10 paragraph, the term ‘serving central office’  
11 means the centralized location where the  
12 incumbent local exchange carrier has elect-  
13 ed to provide access to the high speed data  
14 service required by this subparagraph.

15 “(C) SPACE ADJACENT TO AN INCUM-  
16 BENT’S REMOTE TERMINAL.—Subparagraph  
17 (E)(iii) does not relieve an incumbent carrier of  
18 any obligation under regulations in effect on  
19 May 24, 2001, to provide space adjacent to its  
20 remote terminal to a requesting carrier so that  
21 the requesting carrier may construct its own re-  
22 mote terminal.

23 “(D) CLEC ACCESS TO INCUMBENT CAR-  
24 RIER RIGHTS-OF-WAY.—Any incumbent local  
25 exchange carrier has the duty to afford access



1 to its poles, conduits, and rights-of-way in ac-  
2 cordance with subsection (b)(4) for provision of  
3 high speed data service.

4 “(E) SCOPE.—Notwithstanding any provi-  
5 sion of law, neither the Commission nor any  
6 State shall—

7 “(i) require an incumbent local ex-  
8 change carrier to provide unbundled access  
9 in accordance with subsection (c)(3) to any  
10 packet switching network element;

11 “(ii) require an incumbent local ex-  
12 change carrier to provide, for the provision  
13 of high speed data service, access on an  
14 unbundled basis in accordance with sub-  
15 section (c)(3) to any fiber local loop or  
16 fiber feeder subloop; or

17 “(iii) require an incumbent local ex-  
18 change carrier to provide for collocation in  
19 accordance with subsection (c)(6) in a re-  
20 mote terminal, or to construct or make  
21 available space in a remote terminal.

22 “(F) REINTERPRETATION.—Consistent  
23 with subparagraph (E), neither the Commission  
24 nor any State shall construe, interpret, or apply  
25 this section in such a manner as to expand an



1 incumbent local exchange carrier's obligation,  
2 as in effect on May 24, 2001, to provide access  
3 in accordance with subsection (c)(3) to any net-  
4 work element for the provision of high speed  
5 data service, or to provide collocation in accord-  
6 ance with subsection (c)(6) for the provision of  
7 high speed data service.

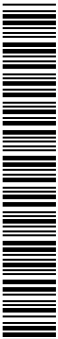
Page 9, lines 3 and 15, redesignate subparagraphs  
(E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3)  
through page 11, line 3, and insert the following:

8 “(3) DEFINITIONS.—For purposes of this  
9 subsection—

10 “(A) the term ‘fiber feeder subloop’ means  
11 the entirely fiber optic cable portion of the local  
12 loop between the feeder/distribution interface  
13 (or its equivalent) and a distribution frame (or  
14 its equivalent) in an incumbent local exchange  
15 carrier central office, including all features,  
16 functions, and capabilities of such portion of  
17 the local loop;

18 “(B) the term ‘fiber local loop’ means an  
19 entirely fiber optic cable transmission facility,



1 including all features, functions, and capabili-  
2 ties of such transmission facility, between a dis-  
3 tribution frame (or its equivalent) in an incum-  
4 bent local exchange carrier central office and  
5 the loop demarcation point at an end-user cus-  
6 tomer premise;

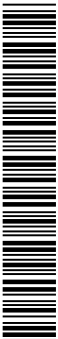
7 “(C) the term ‘packet switching network  
8 element’—

9 “(i) means a network element that  
10 performs, or offers the capability to  
11 perform—

12 “(I) the basic packet switching  
13 function of routing or forwarding  
14 packets, frames, cells, or other data  
15 units based on address or other rout-  
16 ing information contained in the pack-  
17 ets, frames, cells, or other data units,  
18 including the functions that are per-  
19 formed by digital subscriber line ac-  
20 cess multiplexers; or

21 “(II) any successor to the func-  
22 tions described in clause (i);

23 “(ii) includes such element on a  
24 stand-alone basis, or as a part of a com-



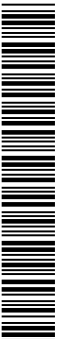
1                    bination with one or more other network  
2                    elements; and

3                    “(iii) does not include elements of the  
4                    signaling system 7 network transmitting  
5                    signaling information between switching  
6                    points;

7                    “(D) the term ‘remote terminal’ means a  
8                    controlled environment hut, controlled environ-  
9                    ment vault, cabinet, or other structure at a re-  
10                   mote location between the central office and a  
11                   customer’s premises; and

12                   “(E) the term ‘signaling system 7 network’  
13                   means the network that uses signaling links to  
14                   transmit routing messages between switches  
15                   and between switches and call related data  
16                   bases.”.

Page 7, line 3, strike the close quotation marks and  
the following period, and after such line insert the fol-  
lowing:



17                   “(d) ADDITIONAL COMMISSION AUTHORITY PRE-  
18                   SERVED.—Notwithstanding subsection (a), such sub-  
19                   section shall not restrict or affect in any way the authority  
20                   of the Commission—

1           “(1) to adopt regulations to prohibit unsolicited  
2       commercial e-mail messages;

3           “(2) to regulate changes in subscriber carrier  
4       selections or the imposition of charges on telephone  
5       bills for unauthorized services; or

6           “(3) with respect to—

7               “(A) customer proprietary network infor-  
8       mation, as provided in section 222;

9               “(B) with respect to rules and procedures  
10      adopted pursuant to section 223 to restrict the  
11      provision of pornography to minors and  
12      unconsenting adults; or

13               “(C) with respect to access by persons with  
14      disabilities, as provided in section 255.”.

Page 6, line 12, insert before the period the fol-  
lowing: “that is not imposed or required on the date of  
enactment of this section”.

